

210.365 Telephonic behavioral health jail triage system.

- (1) As used in this section:
 - (a) "Prisoner" has the same meaning as set out in KRS 441.005; and
 - (b) "Qualified mental health professional" has the same meaning as set out in KRS 202A.011.
- (2) The Cabinet for Health and Family Services shall create a telephonic behavioral health jail triage system to screen prisoners for mental health risk issues, including suicide risk. The triage system shall be designed to give the facility receiving and housing the prisoner an assessment of his or her mental health risk, with the assessment corresponding to recommended protocols for housing, supervision, and care which are designed to mitigate the mental health risks identified by the system. The triage system shall consist of:
 - (a) A screening instrument which the personnel of a facility receiving a prisoner shall utilize to assess inmates for mental health, suicide, mental retardation, and acquired brain injury risk factors; and
 - (b) A continuously available toll-free telephonic triage hotline staffed by a qualified mental health professional which the screening personnel may utilize if the screening instrument indicates an increased mental health risk for the assessed prisoner.
- (3) In creating and maintaining the telephonic behavioral health jail triage system, the cabinet shall consult with:
 - (a) The Department of Corrections;
 - (b) The Kentucky Jailers Association;
 - (c) The Kentucky Commission on Services and Supports for Individuals with Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual Diagnoses; and
 - (d) The regional community mental health and mental retardation services programs created under KRS 210.370 to 210.460.
- (4) The cabinet may delegate all or a portion of the operational responsibility for the triage system to the regional community mental health and mental retardation services programs created under KRS 210.370 to 210.460 if the regional program agrees and the cabinet remains responsible for the costs of delegated functions.
- (5) The cabinet shall design into the implemented triage system the ability to screen and assess prisoners who communicate other than in English or who communicate other than through voice.
- (6) The cost of operating the telephonic behavioral health jail triage system shall be borne by the cabinet.
- (7) Records generated under this section shall be treated in the same manner and with the same degree of confidentiality as other medical records of the prisoner.
- (8) Unless the prisoner is provided with an attorney during the screening and assessment, any statement made by the prisoner in the course of the screening or

assessment shall not be admissible in a criminal trial of the prisoner, unless the trial is for a crime committed during the screening and assessment.

- (9) The cabinet may, after consultation with those entities set out in subsection (3) of this section, promulgate administrative regulations for the operation of the telephonic behavioral health jail triage system and the establishment of its recommended protocols for prisoner housing, supervision, and care.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 99, sec. 326, effective June 20, 2005. -- Created 2004 Ky. Acts ch. 137, sec. 2, effective July 13, 2004.